

DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS

CIVIL INFRACTIONS- Chapter 32

SCHEDULE OF FINES

DEPARTMENT OF HEALTH

(DOH) INFRACTIONS: Chapter 36

CHAPTER 32 CIVIL INFRACTIONS: SCHEDULE OF FINES**Secs.****3200 Classes of Infractions****3201 Fine Amounts****3200 CLASSES OF INFRACTIONS**

3200.1 The schedule of fines set forth in this chapter shall include the following classes:

- (a) Class 1 - Egregious infractions that result from flagrant, fraudulent, or willful conduct, or unlicensed activity, or that are imminently dangerous to the health, safety, or welfare of persons within the District of Columbia;
- (b) Class 2 - Other serious infractions that result from flagrant, fraudulent, or willful conduct, or unlicensed activity, or that are imminently dangerous to the health, safety, or welfare of persons within the District of Columbia;
- (c) Class 3 - Infractions that involve a failure to comply with a law or rule requiring periodic renewal of licenses or permits, or infractions that are serious and have an immediate, substantial impact on the health, safety, or welfare of persons within the District of Columbia;
- (d) Class 4 - Infractions that involve a failure to post required licenses or permits, or infractions that are minor, but have the potential to be hazardous to the health, safety, or welfare of persons within the District of Columbia; and
- (e) Class 5 - Infractions that collectively create a nuisance but individually do not pose a threat to the health, safety, or welfare of persons within the District of Columbia.

3200.2 The schedule of fines may also include infractions that have not been classified in accordance with § 3200.1.

3201 FINE AMOUNTS

3201.1 The fines for the infractions specified in § 3200.1 shall be as follows:

- (a) For Class 1 infractions, the fines are as follows:
 - (1) For the first offense.....\$ 2,000;
 - (2) For the second offense.....\$ 4,000;
 - (3) For the third offense.....\$ 8,000;
 - (4) For the fourth and subsequent offenses.....\$16,000;
- (b) For Class 2 infractions, the fines are as follows:
 - (1) For the first offense.....\$ 1,000;
 - (2) For the second offense.....\$ 2,000;
 - (3) For the third offense.....\$ 4,000;
 - (4) For the fourth and subsequent offenses.....\$ 8,000;
- (c) For Class 3 infractions, the fines are as follows:
 - (1) For the first offense.....\$ 500;
 - (2) For the second offense.....\$ 1,000;
 - (3) For the third offense.....\$ 2,000;
 - (4) For the fourth and subsequent offenses.....\$ 4,000;
- (d) For Class 4 infractions, the fines are as follows:
 - (1) For the first offense.....\$ 100;
 - (2) For the second offense.....\$ 200;
 - (3) For the third offense.....\$ 400;
 - (4) For the fourth and subsequent offenses.....\$ 800;
- (e) For Class 5 infractions, the fines are as follows:
 - (1) For the first offense.....\$ 50;

- (2) For the second offense.....\$ 100;
- (3) For the third offense.....\$ 200;
- (4) For the fourth and subsequent offenses.....\$ 400.

3201.2 An infraction shall be a repeat infraction and shall carry the enhanced penalties set forth in § 3201.1 if:

- (a) The infraction is a violation by the same person of the same provision of a law or rule committed within 3 years following the initial infraction; or
- (b) The infraction is a violation by the same person within the same three-year (3 year) period and involves the same property, building or dwelling unit as the initial infraction and where both infractions involve a violation of any housing code provision or housing regulation of the Housing Regulations Subtitle A of Title 14 DCMR.

3201.3 An infraction committed by an individual acting as agent, partner, director, officer, or employee of a person shall be considered to have been committed by that person.

3201.4 For purpose of this Title, the term “person” means corporations, firms, agencies, companies, associations, organizations, partnerships, societies, and joint stock companies, as well as individuals.

3201.5 When a Notice of Infraction is issued, an the infraction is for the violation of a law contained in an unenacted title of the D.C. Official Code, or any superseding official code, the Notice of Infraction may cite the D.C. Official Code, or any superseding official code, provision instead of the organic law citation cited in this Title.

3201.6 The parenthetical language which follows the laws or regulations listed in this Title is only descriptive and the provisions of the cited law or regulation are controlling if there is any conflict between the cited law or regulation and the descriptive parenthetical language.

CHAPTER 36 DEPARTMENT OF HEALTH (DOH) INFRACTIONS**Secs.**

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3600 ADMINISTRATIVE PROCEDURES AND SCHEDULE OF FINES APPLICABLE

3600.1 The civil infractions set forth in this chapter are subject to the provisions of Chapter 31 (Administrative Procedures) and Chapter 32 (Schedule of Fines) of this Title.

3601 HEALTH PRACTICE INFRACTIONS

3601.1 Violation of the following provision shall be a Class 1 infraction:

Section 501 of the District of Columbia Health Occupations Revision Act of 1985, effective Mar. 25, 1986 (D.C. Law 6-99; **D.C. Official Code § 3-1205.01**) (practicing medicine, acupuncture, chiropractic, registered nursing, practical nursing, dentistry, dental hygiene, dietetics, nutrition, nursing home administration, occupational therapy, optometry, pharmacy, physical therapy, podiatry, psychology, social work, as a physician's assistant or as an occupational therapy assistant without a license).

3601.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) Section 901 of the District of Columbia Health Occupations Revision Act of 1985 (**D.C. Official Code § 3-1209.01**) (practicing naturopathy or naturopathic healing without a certificate of registration);
- (b) Section 902 of the District of Columbia Health Occupations Revision Act of 1985 (**D.C. Official Code § 3-1209.02**) (engaging in the practice of dance therapy or recreation therapy without a certificate of registration); or
- (c) Section 101 of the District of Columbia Health Occupations Revision Act of 1985 (**D.C. Official Code § 3-1210.01**) (practicing a health occupation, other than one enumerated in D.C. Official Code § 3-1205.01, without a license).

3601.3 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) Section 513(a) of the District of Columbia Health Occupations Revision Act of 1985 (**D.C. Official Code § 3-1205.13(a)**) (failure to display license conspicuously in any and all places of business or employment of the licensee); or
- (b) Section 513(b) of the District of Columbia Health Occupations Revision Act of 1985 (**D.C. Official Code § 3-1205.13(b)**) (failure to notify the board of any changes of address of the place of

residence or place of business or employment within 30 days after the change of address).

**3605 GROUP HOMES FOR MENTALLY RETARDED PERSONS
INFRACTIONS**

3605.1 Reserved

3605.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 22 DCMR § 3502.6 (denial of meals as a form of punishment);
- (b) 22 DCMR § 3509.9 (employing staff with a history of abuse, neglect, exploitation, or conviction of a sexual or violent crime);
- (c) 22 DCMR § 3520 (failure to comply with requirements concerning professional services);
- (d) 22 DCMR § 3521 (failure to comply with requirements concerning habilitation and training); or
- (e) 22 DCMR § 3523 (failure to observe and protect client's rights).

3605.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 22 DCMR § 3500.1 (failure to comply with general provisions regarding pharmacies and pharmaceuticals);
- (b) 22 DCMR § 3500.2 (failure to demonstrate understanding that D.C. Law 6-137 governs care and rights of mentally retarded persons);
- (c) 22 DCMR § 3501.1 (failure to provide home-like atmosphere and least restrictive yet safe setting);
- (d) 22 DCMR § 3501.3 (failure to locate within easy walking distance of transportation or to provide transportation);
- (e) 22 DCMR § 3501.4 (failure to locate away from noise and hazardous or noxious conditions);
- (f) 22 DCMR § 3501.6 (failure to provide tempered glass and to conspicuously mark sliding doors or panels);

- (g) 22 DCMR § 3501.10 (failure to provide social and recreational space);
- (h) 22 DCMR § 3501.11 (failure to provide adequate community space);
- (i) 22 DCMR § 3502, except 3502.6 (failure to comply with requirements concerning meal service and dining areas);
- (j) 22 DCMR § 3503.1 (failure to provide sufficient square footage in bedroom or exceeding allowable bedroom occupancy);
- (k) 22 DCMR § 3503.2 (failure to keep beds sufficiently apart from each other and from radiators);
- (l) 22 DCMR § 3503.3 (failure to provide required bedroom furniture or bedding);
- (m) 22 DCMR § 3503.5 (failure to provide sufficient storage space in bedroom);
- (n) 22 DCMR § 3503.7 (failure to designate bedroom for bedroom use only);
- (o) 22 DCMR § 3503.8 (failure to provide adequate bathroom space and fixtures);
- (p) 22 DCMR § 3503.9 (failure to provide adequate appliances and equipment in bathroom);
- (q) 22 DCMR § 3504 (failure to comply with requirements concerning housekeeping, sanitation, and/or maintenance);
- (r) 22 DCMR § 3506 (failure to comply with program statement requirements);
- (s) 22 DCMR § 3507 (failure to comply with requirements concerning policies and procedures);
- (t) 22 DCMR § 3508 (failure to comply with requirements concerning administrative support, residents' funds, and/or insurance);

- (u) 22 DCMR § 3509.1 (failure to develop and distribute personnel policies);
- (v) 22 DCMR § 3509.2 (failure to develop and distribute job descriptions);
- (w) 22 DCMR § 3509.6 (failure to ensure that employee has and passes health examination prior to employment and annually thereafter);
- (x) 22 DCMR § 3509.7 (failure to ensure that employee's initial health exam is done within 90 days prior to employment);
- (y) 22 DCMR § 3509.8 (failure to obtain physician's documentation that employee with positive test for communicable disease is receiving needed follow-up care);
- (z) 22 DCMR § 3510 (failure to comply with requirements concerning staff training);
- (aa) 22 DCMR § 3511 (failure to comply with requirements concerning direct care staff ratios);
- (bb) 22 DCMR § 3513 (failure to comply with requirements concerning administrative records);
- (cc) 22 DCMR § 3514 (failure to comply with requirements concerning resident records);
- (dd) 22 DCMR § 3515 (failure to comply with requirements concerning confidentiality of records);
- (ee) 22 DMCR § 3516 (failure to develop and make available policies concerning admission, transfer, and discharge);
- (ff) 22 DCMR § 3517 (failure to comply with requirements concerning admission policies and procedures, health screening and recordkeeping);

- (gg) 22 DCMR § 3518 (failure to comply with requirements concerning discharge and transfer policies and procedures and recordkeeping);
- (hh) 22 DCMR § 3519 (failure to comply with requirements concerning emergencies and unusual incidents); or
- (ii) 22 DCMR § 3522 (failure to comply with requirements concerning medications).

3605.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 22 DCMR § 3500.3 (using an improper name or logo on the exterior of the facility);
- (b) 22 DCMR § 3501.5 (failure to supply window curtains, shades or blinds, clean and in good repair);
- (c) 22 DCMR § 3501.7 (failure to show that facility can provide outside recreational activities);
- (d) 22 DCMR § 3501.8 (failure to provide access to and encourage full utilization of space);
- (e) 22 DCMR § 3501.9 (failure to locate restricted space in the most remote portions of the facility);
- (f) 22 DCMR § 3503.4 (failure to provide employee with copy of job description);
- (g) 22 DCMR § 3503.10 (failure to provide required supplies in bathroom);
- (h) 22 DCMR § 3509.3 (failure to discuss contents of job description with employee periodically);
- (i) 22 DCMR § 3509.4 (failure to provide employee with copy of job description);
- (j) 22 DCMR § 3509.5 (failure to update job description and review it with employee); or

- (k) 22 DCMR § 3512 (failure to comply with general recordkeeping requirements).